

# **QUARTERLY REPORT NUMBER THIRTEEN DEMOCRACY AND GOVERNANCE: ELECTIONS & POLITICAL PROCESSES IQC**

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*Submitted to:*

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*Submitted by:*

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October 30, 2003

Mr. Roberto Figueredo  
Office of Democracy and Governance (DCHA/DG)  
Room 3.10-051 Reagan Building  
Agency for International Development  
Washington, D.C. 20523-3100

Dear Mr. Figueredo:

The Democracy and Governance – Elections and Political Processes IQC (CLIN 003) that Development Associates currently is implementing for USAID, stipulates that we submit a quarterly Performance Monitoring Report.

Development Associates is providing you as our COTR with the required copy of our report covering the quarter just completed. We believe this report meets our responsibility under Section G.9 (a) of the contract. A copy of this report is also being sent to our CTO in USAID/Ukraine, in compliance with Part I.H.4 of Task Order 800.

If you have any questions or comments about this submission, please be in touch.

Sincerely,



George F. Jones  
Director  
Democracy and Governance Programs

cc: Robert Samuel Taylor, USAID/M/OP/G/DGHCA  
Oleksandr Piskun, USAID (email: opiskun@usaid.gov)

Enclosure: As stated

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# QUARTERLY REPORT (JULY 1 – SEPTEMBER 30, 2003) ON THE DEMOCRACY AND GOVERNANCE – ELECTIONS AND POLITICAL PROCESSES IQC (CLIN 003) –AEP I-00-00-00008-00

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## I. BASIC DATA ON THE TASK ORDERS

- ▶ **Ukraine/Elections and Political Processes Work.** *Contract No. OUT-AEP-I-00-00-00008-00, Task Order 800, Period of Performance: 09/27/2000 - 09/30/03, Amount: \$2,275,000.*

Through several contracts and grants USAID/Ukraine has provided expert advice, professional assistance and educational experiences on the administration of elections to Ukrainian public officials and CSOs. Although substantial progress had occurred, the Mission decided to undertake a follow-up activity through the Elections and Political Processes IQC (CLIN 003). The activity has three main objectives:

- First, to improve the legal framework in order to more effectively ensure open and competitive elections at every level of government;
- Second, to increase the professionalism, competence, and independence of election officials and poll-workers; and
- Third, to increase the competence of Ukrainian civic organizations to monitor and advance adherence to international standards for free and fair elections, for transparent elections procedures, and for public access to the information necessary for an informed electoral choice.

Working with our subcontractor/partners, the Institute for Democracy in Eastern Europe (IDEE) and Mendez-England & Associates, Development Associates is providing a team of long and short-term advisors to this Elections and Political Processes project (DA). Activities include facilitation of seminars and working groups, provision of reference resources, training of trainers and the provision of small grants to Ukrainian civic organizations. The outcome will be increased and more effective citizen participation in political decision-making in Ukraine.

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## II. REPORTING SUMMARY

### UKRAINE

#### A. ACTIVITIES CARRIED OUT AND PROGRESS MADE

##### *Activity One: Improve the Legal Framework, So That It More Effectively Ensures Open and Competitive Elections at Every Level*

##### A) Analyzing Legislative Action on Constitutional & Political Reform

July in the Verkhovna Rada proved to be even hotter and more controversial than June. The last two weeks of the Spring 2003 Plenary Session were decisive for the issue of constitutional reform. EP3 staff monitored the parliamentary debate and voting very closely and provided their observations and comments in Election Updates #61, 62, and 63.

Two different draft laws on amending the Constitution were submitted to the VR by President Leonid Kuchma and by a special Parliamentary commission on changes to the constitution. The latter received particular, though not exclusive, input from opposition MPs. The principal and most controversial difference between the two drafts was the President's proposal to conduct all elections (local, parliamentary, and presidential) during one year, which could quite possibly result in a prolongation of President Kuchma's current term in office. Our Activity Managers (AMs), in discussion with MPs from different factions, expressed the view that prolongation of their terms of office by incumbents was not accepted practice in democratic countries and is not in compliance with international standards for democratic elections.

August was a fairly quiet month and the Verkhovna Rada was officially not in session. During this time EP3 continued working with MPs in Kyiv on a variety of legislative development issues. In contrast, September was a busy month, with political debates on constitutional reform at the top of the Ukrainian political elite's agenda. EP3 prepared and disseminated two Election Updates, # 64 and #65, analyzing new parliamentary initiatives on constitutional reform.

##### *Assistance to the Parliamentary Committee on European Integration*

At the direction of USAID/Ukraine, EP3 lent its intellectual and organizational resources to the Verkhovna Rada's Committee on European Integration Issues. This committee, chaired by former Foreign Minister Borys Tarasyuk, is charged with reviewing the hundreds of draft laws tabled in the VR during each session, for their compliance with European Union legislation and standards, as well as with World Trade Organization standards. The committee is also responsible for informing the VR and the Ukrainian public on how this country's preparation for integrating with Europe is proceeding. The committee requested assistance in analyzing a set of draft laws regulating aspects of the electoral process in Ukraine. These included bills on amending the Constitution, draft election laws and draft laws on local self government. The Institute of Euro-Atlantic Cooperation and other experts assisted EP3 in this analysis.

EP3 and the committee prepared a list of tasks, which included legislative analysis; conduct of an expert poll on Ukrainian legislative compliance with international and European standards and practices governing elections; and the holding of a conference on "Election Legislation and

Political Reform in the Context of the European Integration of Ukraine” (held on September 12, 2003, at the VR).

To carry out these tasks, DCOP Dr. Volodymyr Kovtunets was asked to supervise a team of advisers to the committee, including Ivan Krulko, Pavlo Korobeinikov, Andriy Shkvarko and Prof. Volodymyr Kampo. All work was completed by mid-September.

#### *Conference on European Integration and Election Reform*

On September 12, EP3 held a conference at the VR on “Election Legislation, Political Reform and European Integration of Ukraine”. The event was co-organized by EP3; the VR Committee on European Integration Issues; the VR Committee on State Building and Self-Government; the Democratic Initiatives Foundation; the Institute of Euro-Atlantic Cooperation; and the Election Law Institute. Approximately 70 participants, including MPs, CEC members, researchers, political party activists, NGO representatives and journalists participated in the all-day event.

The conference agenda included discussion of:

- Ukraine’s European integration efforts and the conduct of elections in compliance with international and European standards;
- Improvement of election legislation and political reform;
- Legislative guarantees for the equality of election process participants;
- Observation of requirements of international documents related with ensuring human rights in the election legislation of Ukraine;
- Campaign finance regulations and equality of candidates in the election process;
- Providing equal media access to candidates.

The conference was one component of the cooperation and technical assistance rendered by EP3 to the VR Committee on European Integration, which is chaired by Borys Tarasiuk, former Minister of Foreign Affairs of Ukraine. At the Committee’s request, EP3 coordinated an expert group that analyzed a number of draft laws for their compliance with European Union legislation. Experts analyzed draft laws on elections, political and constitutional reform and local self-governance. Expert analyses were submitted to the Committee and were used as an integral part of the Committee’s bill-vetting process.

#### *Expert Survey*

The Democratic Initiatives Foundation and EP3 jointly prepared and conducted a survey of experts on election legislation and election practice. A total of 106 experts, including MPs, academicians, CEC members, government officials/civil servants, NGO leaders, and journalists were given lengthy questionnaires that plumbed their views on existing law and practices as well as proposed paths for legislative development and enhancement. Polling results and analysis were presented at the September 12 conference at the VR. A booklet with these materials was printed shortly thereafter and distributed among MPs and political leaders. A small number of copies are still available through EP3.

*Article in Official Supreme Court Publication*

An article on “Bribery in the Election Process as an Obstacle to the Free Realization of Suffrage,” prepared by AMs O. Barabash and S. Kalchenko, was published in the Herald of the Supreme Court of Ukraine, that body’s official publication.

*Local Election Case Law Analysis*

EP3 Activity Managers (AMs) and the DCOP prepared and published an analysis of Ukrainian case law on the local elections held throughout 2002. In August, EP3 initiated distribution of this 80-page booklet among the courts, libraries, law schools, and other government and non-government institutions. The booklet’s contents are also available at the project website, [www.vybory.com](http://www.vybory.com).

*Local and Crimean Parliament Election Cases Compendia*

AM Oleksandr Barabash completed work on a 415-page compendium of case law on local elections held in 2002 in accordance with the Plan of Cooperation between the CEC and USAID. Mr. Barabash also prepared a similar 196-page compendium on case law relating to the 2002 election of members of the Verkhovna Rada of the Autonomous Republic of Crimea. Towards the end of August, these compendia were submitted for layout and printing by our long-time publisher Nora Print.

***Activity Two: Increase Professionalism, Competence and Independence of Ukrainian Election Officials and Poll-workers***

**A) Training in Managing the Election Process**

On July 12-15, EP3, in cooperation with the Election Law Institute, trained political party activists and journalists on the legal aspects of planning and managing the election process. This three-day training took place in Zarosliak, Ivano-Frankivsk oblast. Approximately 60 participants from political parties’ central and regional offices in Kyiv, Ivano-Frankivsk, Chernivtsi and Zakarpatska oblasts attended this event. EP3 Activity Managers Oleksandr Vorobyov and Oleksandr Barabash, DCOP Volodymyr Kovtunets, and the president of the Election Law Institute, Yurii Kliuchkovskyi, and his assistant Natalia Baohasheva trained the participants.

At the invitation of Lviv NGOs, DCOP Kovtunets conducted on August 26 two local election training workshops for pollworkers, candidates and their representatives on the eve of a by-election to the Lviv City Council. EP3 distributed copies of the local election law and corresponding CEC regulations, a local election Q&A, manual and flyers for observers. A total of 34 workshop participants were trained.

In cooperation with the CEC, EP3 continued to study the experience of election commissions in 2002-2003 in order to identify problem areas that should be resolved before the 2004 presidential election.

## **B) Publication of Election Law Contest Papers**

In accordance with the USAID-CEC Plan of Cooperation, EP3, in cooperation with the CEC and Ivan Franko National University of Lviv, prepared a compendium of papers on election law submitted by undergraduate and postgraduate students who won a contest conducted by the CEC, the Ministry for Education and Science and EP3. DCOP Kovtunets and Prof. Petro Stetsiuk reviewed the papers, which were printed in September.

## **C) Election Law Summer School**

From July 20-31, EP3 conducted the first-ever Ukraine election law summer school. It was held in Pishchane, Crimea. The School consisted of two 65-day sessions, during which 96 participants were able to deepen their knowledge of election law and practice, benefiting from a comparative approach and an international slate of lecturers. The Summer School team distributed a range of publications and training materials to the participants. Every participant received a copy of the following:

- A Compendium of training materials compiled by EP3 and including extensive excerpts from publications by EP3; the Parliamentary Development Project; National Democratic Institute; and the Democratic Initiatives Foundation. Also included were, and chapters from an election law textbook prepared by the Election Law Institute with USAID support through EP3;
- A Ukrainian translation, prepared in-house by EP3, of the *International IDEA Handbook of Electoral Development of Election System Designs* (published originally by the Institute for Democracy and Electoral Assistance (IDEA)IDEA, Stockholm, Sweden);
- The book “*Political and Legal Aspects of Political Party Financing: The Global Experience and Ukraine*”, by A. Romaniuk, Y. Shveda, and O. Shumelda, published by the Geneva NGO with USAID support through EP3;
- The book “*Elections of People’s Deputies of Ukraine in 2002: Legal Practice in the Courts and Election Commissions*”, published by EP3;
- Election laws of Ukraine (Presidential election law, Parliamentary election law, Local election law, Law on Elections to the Parliament of Crimea).

The participants also had daily access to a Field Library transported to the Summer School by EP3, as well as Internet access through the EP3 Summer School Headquarters.

**Instruction, training and discussion.** The curriculum and teaching plan were fully implemented at both Summer School sessions. The teaching plan consisted of 14 lectures, 4 practical seminars and 18 round tables (on an elective basis). At the request of Session Two participants, a round table was added on problems associated with the representation of national minorities in the elected bodies of Crimea, in particular the Crimean Tatars. Ayder Muzhdaba of the Crimean Center for Reform led this round table.

**Lecturers/Instructors.** A broad range of highly qualified elections and political professionals from government, academia and the private sector were resident during the School and provided high quality information and instruction throughout. A CEC member was resident throughout both sessions of the Summer School

Among them were:

- Yuriy Kliuchkovsky, Member of Parliament, President of the Election Law Institute;
- Vasyl Spivak, CEC MemberMember of the Central Election Commission
- Volodymyr Kampo, Professor at the Academy of Municipal Management and Head of the Constitutional Society of Ukraine (constitutional law expert);
- Petro Stetsiuk, Professor of Lviv National Ivan Franko University;
- Dr. Janis Ikstens, Scholar, campaign finance and election management specialist from Latvia;
- Oleksiy Kondratenko, Deputy Chairman of the Election Commission of the Autonomous Republic of Crimea;
- Dmytro Omelchuk, Scholar and political scientist;
- Ilko Kucheriv, Director of Democratic Initiatives Foundation, sociologist;
- Ayder Muzhdaba, Leader of the Crimean Center for Reform;
- Dr. Volodymyr Kovtunets, DCOP at EP3, elections expert;
- Oleksandr Vorobyov, EP3 Activity Manager, election law expert;
- Serhii Kalchenko, EP3 Activity Manager, election and constitutional law expert.

#### *Local By-election Observation*

AM Olexander Vorobyov observed by-elections to the Sumy City Council on September 28. A report was prepared and submitted to USAID/Ukraine.

#### *Advice to Political Parties*

At the request of leaders of the NRU (Rukh), Reforms and Order Party, UNP, and Youth Party, our AMs provided advice on training election commissioners for the 2004 presidential election. In addition, it is our understanding that the Our Ukraine bloc has utilized material previously prepared by EP3 and made available through [www.vybory.com](http://www.vybory.com), as well as material prepared by ELI under the third EP3 grant program for election commissioner training.

#### ***Activity Three: Increase Capacity of Ukrainian CSOs to Monitor and Advance Transparent Election Procedures and Increase Public Access to Electoral Information***

##### *Analysis Grant Program roundtables*

On July 15, CVU (Kyiv), an EP3 grantee under the Analysis Grant Program, conducted a round table in Cherkassy on the proper application of election legislation and related issues. EP3 Grant Program Manager Serhii Kalchenko made a presentation on the practice of election commissions in applying the election legislation.

The Kharkiv-based Institute for Applied Humanitarian Research (IAHR), another Analysis Grant Program grantee, conducted three seminars for judges of courts of appeal and local courts in Simferopol (July 16); Donetsk (July 23) and Lviv (July 29). A total of 121 appeals and local court judges participated in these one-day events, held, respectively, at the premises of the Courts of Appeal of the Autonomous Republic of Crimea (25 judges), Donetsk Region (64 judges) and Lviv Region (32 judges).



The three seminars were high-profile events within their respective judicial communities. For example, the Simferopol event was chaired by Mykhailo Tiutiunnyk (the Appeals Court President), the Donetsk event was chaired by the First Deputy President Lidiya Rudenko, and the Lviv event was chaired by Mykola Mitskevych, Deputy President.

IAHR experts F. Venyslavskyi, O. Serdiuk and V. Kolisnyk delivered presentations on election legislation, case law on parliamentary and local elections, and case law of the European Court of Human Rights (which is slated to review several election law cases from Ukraine in the coming months). AM Kalchenko made presentations on local election case law and on court procedures of fact finding during judicial review of local election law abuses and violations at all the seminars, which included significant debate and discussion and active participation by most judges attending.

This series of IAHR events helped EP3 to engage the Ukrainian judiciary in the closing months of the current project, and builds on the seminar co-organized by EP3, ABA-CEELI and a number of Parliamentary committees on June 25 at the Verkhovna Rada, with attendance by appeals court judges from throughout Ukraine. According to a number of seminar participants, AM Kalchenko has also built up a very solid reputation within the judiciary in terms of his ability to deliver relevant information and stimulate needed discussion on election-related topics.

#### *Expert Polling and the Strengthening of NGO Analytical Capacity*

EP3 continued to strengthen its existing network of election-oriented NGOs. The Democratic Initiatives Foundation (DIF), an NGO with over a decade of experience in polling and polling analysis, lent key staff members to the EP3/VR team charged with preparing and conducting an expert poll (see under Activity One, above). The poll queried some 100 legislators, government officials, analysts and journalists on their perception of Ukrainian election legislation and election processes and their compliance with international standards for free and fair elections. The team designed a questionnaire and compiled a list of election experts in August in order to complete the poll before the conference mentioned in Activity One. DIF and EP3 produced a booklet with the results of the poll and analysis thereof.

#### *Youth in Elections Seminar*

On August 25-27, EP3, the Association of Young Deputies of the Donetsk Region and the Youth Union of Donbas Unity conducted a conference on “Youth in Elections” in Svitlodarsk, Donetsk Region. Some 50 young politicians from throughout eastern Ukraine (Donetsk, Kharkiv, Luhansk, Dnipropetrovsk and Zaporizhia) attended this event. The discussion centered on how to motivate young people to participate in political activity and electoral processes. It is worthwhile noting that EP3 has held a number of events in Svitlodarsk, including events co-organized by our sub-contractor IDEE and other organizations.

#### *Other Grant Activities*

All our current grantees completed their grant-funded activities in August. The majority of them submitted their final activity and financial reports in August, and the others did so in early September. Following a review of all required reports and receipts, grants were closed for the

following NGOs: Committee of Voters of Ukraine (Kyiv), Institute for Applied Humanitarian Research (Kharkiv), Election Law Institute (Kyiv), Zhytomyr Center of Youth Initiatives. AM Serhii Kalchenko traveled to Lviv and Uzhhorod on September 2-5 to review the financial documentation of three grantees: Geneza and the Institute of Political Technologies (Lviv) and Vested (Uzhhorod). Following the trip all projects with these NGOs were closed. During September all other outstanding grant projects were closed, and final tranches were wired to NGO project accounts.

Within the framework of the USAID Small Grant Programs, DA/EP3 grantees produced the following products (copies of all of which were submitted to USAID/Ukraine):

### **Analysis Grant Program**

1. The **Committee of Voters of Ukraine** published the book “Election Legislation: Ukrainian Practice, International Experience, and Paths to Reform”;
2. The **Institute of Applied Humanitarian Research** (Kharkiv) published its research on “Judicial Adjudication of Election Disputes” containing a comparative analysis of the case law of Ukrainian courts and the European Court of Human Rights;
3. **Geneza** (Lviv) published the book on “Political and Legal Aspects of Financing Election Campaigns”; and
4. The **Ukrainian Center for Independent Political Research** published its research on “Legal Regulation of Transparent Election and Mass Media in Ukraine”.

### **Training Grant Program**

1. The **Election Law Institute** published a textbook on election law for students and a manual for political party activists, election commissioners, and official observers for the forthcoming presidential election;
2. The **Institute of Political Studies** (Lviv) published a manual for trainers of poll station commissioners and a manual for use by poll station commissioners and official observers; and
3. The **Center for Political Education** developed a training plan and curricula for use in training election participants, as well as a training video and Internet course.

### **Strengthening NGOs Grant Program**

1. The **Association of Law Students and Young Lawyers “Vested”** (Uzhhorod) published a manual for NGO activists on issue lobbying;
2. The **Zhytomyr Regional Center of Youth Initiatives** (Zhytomyr) published a manual for NGO activists on “Establishing and Organizing the Activity of NGO Networks during Elections”; and
3. and 4. The NGO **“Youth – XXI Century”** (Chernihiv) and the **Center for Political Education** developed methodology and training materials for NGO activists on establishing and strengthening NGO networks, and lobbying on issues of interest to local communities.

Apart from the above publications, the DA/EP3 grantees prepared and conducted a series of training events for judges, political party and NGO activists, and representatives of local communities and youth organizations.

### ***Other Activities***

On July 15, COP Yarema Bachynsky and DCOP Volodymyr Kovtunets, at the invitation of the Parliamentary Development Project (PDP), made a presentation on prospects for constitutional and political reform to the Parliamentary Donor Group meeting at IRF.

IT specialist T.Romanova prepared CD-copies of EP3's web-site to distribute to our partners on request.

### **B. PERSONNEL CHANGES**

On August 18 our veteran Program Assistant/Translator Maryna Selivanova left EP3 to take up studies at the University of Tromso, Norway. Ms. Selivanova is pursuing a Master of Arts in Peace and Conflict Studies there. Her replacement, Kateryna Shalayeva, joined the EP3 team at month's end. Ms. Shalayeva has an MA from the Institute of International Relations at Shevchenko National University, and substantive experience working with the U.S. Office of Defense Cooperation in Kyiv as well as the European Commission, among others.

In mid-August, Tatyana Romanova joined the EP3 team to replace Andrii Dolganskyi as Website Programmer/Designer. Mr. Dolganskyi left the project to pursue opportunities in the private sector. Ms. Romanova has a degree in computer science and complementary background in web design and programming, with a variety of assignments completed prior to coming to EP3.

### **C. BUDGET CHANGES**

On September 2, Development Associates requested a No-Cost Extension of the project for two months, extending its original termination date of September 30 to November 30, 2003. The extension was granted on September 29.

### **D. UNRESOLVED ISSUES OR CONSTRAINTS**

None.


#### **IV. RESULTS FROM COMPLETED TASK ORDERS**

No task orders were completed during this quarter.